

**63C-4a-202. Creation of Constitutional Defense Council -- Membership -- Vacancies -- Meetings -- Staff -- Reports -- Per diem, travel expenses, and funding.**

- (1) There is created the Constitutional Defense Council.
- (2) (a) The council shall consist of the following members:
  - (i) the governor or the lieutenant governor, who shall serve as chair of the council;
  - (ii) the president of the Senate or the president of the Senate's designee who shall serve as vice chair of the council;
  - (iii) the speaker of the House or the speaker of the House's designee who shall serve as vice chair of the council;
  - (iv) another member of the House, appointed by the speaker of the House;
  - (v) the minority leader of the Senate or the minority leader of the Senate's designee;
  - (vi) the minority leader of the House or the minority leader of the House's designee;
  - (vii) the attorney general or the attorney general's designee, who shall be one of the attorney general's appointees, not a current career service employee;
  - (viii) the director of the School and Institutional Trust Lands Administration;
  - (ix) four elected county commissioners, county council members, or county executives from different counties who are selected by the Utah Association of Counties, at least one of whom shall be from a county of the first or second class;
  - (x) the executive director of the Department of Natural Resources, who may not vote;
  - (xi) the commissioner of the Department of Agriculture and Food, who may not vote;
  - (xii) the director of the Governor's Office of Economic Development, who may not vote; and
  - (xiii) two elected county commissioners, county council members, or county executives from different counties appointed by the Utah Association of Counties, who may not vote.
- (b) The council vice chairs shall conduct a council meeting in the absence of the chair.
- (c) If both the governor and the lieutenant governor are absent from a meeting of the council, the governor may designate a person to attend the meeting solely for the purpose of casting a vote on any matter on the governor's behalf.
- (3) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term in the same manner as the original appointment.
- (4) (a) (i) Except as provided in Subsection (4)(a)(ii), the council shall meet at least monthly or more frequently as needed.
- (ii) The council need not meet monthly if the chair, after polling the members, determines that a majority of the members do not wish to meet.
- (b) The governor or any six members of the council may call a meeting of the council.
- (c) Before calling a meeting, the governor or council members shall solicit items

for the agenda from other members of the council.

(d) (i) The council shall require that any entity, other than the commission, that receives money from the Constitutional Defense Restricted Account provide financial reports and litigation reports to the council.

(ii) Nothing in this Subsection (4)(d) prohibits the council from closing a meeting under Title 52, Chapter 4, Open and Public Meetings Act, or prohibits the council from complying with Title 63G, Chapter 2, Government Records Access and Management Act.

(e) A majority of the voting membership on the council is required for a quorum to conduct council business. A majority vote of the quorum is required for any action taken by the council.

(5) (a) The Office of the Attorney General shall advise the council.

(b) The Public Lands Policy Coordinating Office shall provide staff assistance for meetings of the council.

(6) (a) A member of the council who is not a legislator may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses as allowed in:

(i) Section 63A-3-106;

(ii) Section 63A-3-107; and

(iii) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.

(b) Compensation and expenses of a member of the council who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

(7) Money appropriated for or received by the council may be expended by the governor in consultation with the council.

Amended by Chapter 387, 2014 General Session